#### RESOLUTION OF 11/10/15

WHEREAS, the attached addition to the Code of the Village of Rhinebeck to add Chapter 60 Garage Sales was introduced by the Board of Trustees of the Village of Rhinebeck on September 8, 2015, and

WHEREAS, a public hearing was held on October 13, 2015 at 7:00 p.m. at the Village Hall, 76 East Market Street, Rhinebeck, New York, notice of said hearing duly published and at which time all interested parties had an opportunity to be heard; and

WHEREAS, after hearing the public comment the Board of Trustees adjourned the public hearing to November 10, 2015, modified the proposed Code provisions and on November 10, 2015 conducted a further hearing on the revised proposal at which time all persons interested had an opportunity to comment further; and

WHEREAS, the Board of Trustees of the Village of Rhinebeck determined this action to be a Type II action based on the criteria found in 6 NYCRR, § 617.5 (c) (27) and therefore has determined that there are no adverse environmental impacts associated with the adoption of this Local Law; and

WHEREAS, the revised local law has been in final form on the desks of the Trustees of the Village of Rhinebeck for seven (7) days exclusive of Sunday;

NOW THEREFORE BE IT ENACTED, by the Board of Trustees of the Village of Rhinebeck the following:

VILLAGE LAW OF RHINEBECK LOCAL LAW NO. OF 2015 GARAGE SALES

GARAGE SALES

Chapter 60

§60-1. Purpose

The Village Board of the Village of Rhinebeck hereby determines that unregulated garage/yard sales within the Village of Rhinebeck cause annoyance to citizens in residential areas and cause an obstruction to pedestrian or vehicular traffic, and adverse effect on the surrounding residential community or the circumvention of the Village Zoning Code by replacing the residential character of our neighborhoods with that of official enterprise.

#### §60-2. Definitions

As used in this Chapter, the following terms shall have the meanings indicated:

CODE ENFORCEMENT OFFICER-The individual designated by the Village Board of Trustees as the enforcement officer for the Village of Rhinebeck.

GARAGE SALE-Includes all general sales, open to the public, conducted from or on a residential premises or in any residential district as defined by Chapter 120, Zoning, for the purpose of disposing of personal property or other property, including but not limited to all sales entitled "garage", "lawn", "yard", "attic", "porch", "room", "backyard", "patio," "flea market", :rummage sale", or any like kind description.

RESIDENTIAL PREMISES-A lot on which a building is located which has a Certificate of Occupancy for residential occupancy classification only as the same is defined by the New York State Fire Prevention and Building Code, or any vacant lot which abuts a residential premise.

## §60-3. Garage Sale limitations:

No person or persons shall conduct more than four (4) garage sales within the Village of Rhinebeck during any calendar year. No more than four (4) garage sales may be conducted on a single parcel during any calendar year.

# §60-4. Investigation to determine compliance:

The Code Enforcement Officer may conduct an investigation as may reasonable and necessary to determine if there is compliance with this Chapter.

## §60-5. Responsibility of property owner and individual conducting sale:

The property owner and/or tenant of the residential premises on which the garage sale is conducted shall be jointly and severally responsible for the maintenance of good order during the hours of the garage sale. Such individual shall ensure that there is no loud or boisterous conduct on said premises nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises.

## §60-6. Exemptions

This provisions of this Chapter shall not apply to or affect the following:

- 1) Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
  - 2) Person acting in accordance with their powers and duties as public officials.

- 3) Any bona fide charitable, educational, cultural or governmental institution or organization, when the proceeds from the sale are used directly for the institution's or organization's charitable purposes and the goods or articles are not sold on a consignment basis.
- 4) Sales, such as lemonade stands, conducted by children under 12 years of age that are appropriately supervised. This exemption shall be limited to a single table no more than fifteen (15) square feet and to the sale of consumable goods such as lemonade and/or baked goods.

# §60-7 Penalties for offences.

A. Violations. Any person, whether as owner, tenant or agent who shall violate any of the provisions of this Chapter shall be guilty of a violation. Each day a sale is conducted in violation of this Chapter shall constitute a separate offense. The Code Enforcement Officer shall have the authority to issue an appearance ticket to the person who is in violation of this Chapter.

B. Fines: A violation of this Chapter is hereby declared to be an offense, punishable by a fine of not less that \$250 nor more than \$1,000 for each offense.